

Abel, Pamela

From: Tamara Jackson [tamarajackson7@gmail.com]
Sent: Thursday, November 06, 2014 4:13 PM
To: Phair, Matthew
Cc: Health
Subject: Re: dog ordinances

Mr. Phair,

Thank you for your prompt response.

With regard to file #35826, yes further definition of "separation" is warranted. We assumed that you intended "separation" to mean "point of sale," but please clarify if that was not your intention.

On file #35827, our comments understand that your proposal is not a blanket mandatory/spay neuter policy.

Our concerns are in regard the violation-based proposal. Specifically:

- What is considered "aggressive," (BKC public comments page 2, paragraph 6; page 3 paragraph 1)
- What is considered "injury to a person or another animal" (BKC public comments page 3, paragraph 1)

Our comments also note that spaying or neutering does not change aggressive behavior, nor the behavior of the owners who have allowed a dog to run. Therefore even an violation based mandatory spay/neuter policy may not result in increased public safety or fewer loose dogs if it is enforced.

We also note that loose dogs must violate the ordinance three times before the city confiscates and sterilizes the animal. There are no such numbers associated with sections (b) through (d), which we assume might mean enforcement could occur after one occurrence. Our concerns with the subjective term "aggressive," who and what qualifications does someone have that is making the determination of whether a behavior is truly aggressive, and what level of injury to human or animal is significant enough to warrant mandatory spay/neuter we feel are relevant to consider in any policy. (BKC public comments page 3, paragraph 1)

We did not include in our comments, but think it germane to the committee, that a violation-based policy necessitates record keeping of violations and documentation by city/county. If the City were to apply a violation based policy inappropriately (i.e. a dog is sterilized that should not have been), the City may open itself up to legal liability.

With regard to loose dogs, the city has existing ordinances that prohibit dogs from trespassing on public or private property or running at-large, unleashed, or unattended. BKC recommends that resources be devoted to enforcing these existing ordinances.

With regard to dogs that pose a threat to public safety, BKC recommends a non-breed specific dangerous dog policy that clearly defines specific behaviors considered to be a threat to public safety and injuries that are considered severe enough to demonstrate an individual dog is a threat to public safety. This is similar to the intent we feel you are trying to reach with your current draft ordinance, but it would detail exactly the type of behaviors, injuries, and property damage that are considered a threat to public safety and could result in city action.

Regards,

Tami Jackson
BKC Legislative Liaison

On Thu, Nov 6, 2014 at 3:38 PM, Phair, Matthew <district20@cityofmadison.com> wrote:
Ms. Jackson,

My name is Matt Phair, I am an alder on the City Council as well as a member of the Board of Health. I am also a co-sponsor of the ordinances regarding pets that will be on the agenda at tonight's meeting. I read the letter you sent, thank you for that. I wanted to make a few observations:

On file #35826 Animal Cruelty, it sounds like if we changed some language to specify what "separation" meant, you'd like that? Also, I agree with you that leaving a dog unsupervised for more than 15 minutes shouldn't necessarily be seen as cruel. We should eliminate or change that language as well.

On file #35827, I have to correct you on this one. If you read the latest version, it is NOT a breed-specific, mandatory spay/neuter ordinance. It is a violation-based mandatory spay/neuter ordinance. Here is the language that spells that out:

Madison Dane County Public Health may order any dog to be spayed or neutered within thirty (30) days of receiving notification of any of the following incidents:

- (a) A dog found running at large in violation of Sec. 23.31, on three (3) separate occasions;*
- (b) A dog acting aggressively and running at large in violation of Sec. 23.31;*
- (c) A dog that has caused injury to a person or another animal in violation of Sec. 23.35; or*
- (d) A dog that has caused injury to a person on the owner's property*

Regards,

Matt Phair